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CHAMBER ACTION

The Elder & Long-Term Care Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to services for seniors and adults with developmental disabilities; creating s. 125.903, F.S.; authorizing each county to create an independent special district to provide funding for services for seniors and adults with developmental disabilities; requiring a district charter; requiring approval by a majority vote of electors to annually levy ad valorem taxes not to exceed a certain maximum; requiring a referendum; creating a governing board for the special district; specifying criteria for membership to the governing board; providing terms of office; clarifying that a county may provide services for seniors and adults with developmental disabilities or create a special district to provide such services by general or special law; specifying the powers and functions of a council on services for seniors and adults with developmental disabilities; requiring each council to appoint a chair and a vice chair and elect officers, to identify and assess the needs of the seniors

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24 and adults with developmental disabilities in the county
25 served by the council, to provide training and orientation
26 to new members of the council, to make and adopt bylaws
27 and rules for the council's operation and governance, and
28 to provide an annual written report to the governing body
29 of the county; requiring the council to maintain minutes
30 of each meeting and to serve without compensation;
31 requiring the council to prepare a tentative annual budget
32 and to compute a millage rate to fund the tentative
33 budget; requiring that all tax moneys collected be paid
34 directly to the council on services for seniors and adults
35 with developmental disabilities by the tax collector of
36 the county and deposited in qualified public depositories;
37 specifying expenditures of funds; requiring the council to
38 prepare and file a financial report with the governing
39 body of the county; providing that a district may be
40 dissolved by a special act of the Legislature or by
41 ordinance by the governing body of the county; specifying
42 obligations of the county if a district is dissolved;
43 authorizing the governing body of a county to fund the
44 budget of the council on services for seniors and adults
45 with developmental disabilities from its own funds after
46 or during the council's first year of operation; requiring
47 a special district to comply with statutory requirements
48 related to the filing of a financial or compliance report;
49 authorizing a county to create a dependent special
50 district to provide certain services for seniors and
51 adults with developmental disabilities; authorizing the

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52 district to seek grants and accept donations from public
53 and private sources; providing legislative intent with
54 respect to the use of funds collected by a council on
55 services for seniors and adults with developmental
56 disabilities; providing that two or more councils on
57 services for seniors and adults with developmental
58 disabilities may enter into a cooperative agreement to
59 share administrative costs, staff, and office space and
60 seek grants, accept donations, or jointly fund programs
61 serving multicounty areas; prohibiting councils or
62 districts from requiring matching funds from certain
63 service providers as a condition to provision of services
64 by the council or district; renaming part V of chapter
65 125, F.S.; amending s. 189.404, F.S.; revising county
66 authority to create an independent special district to
67 include a reference to s. 125.903, F.S.; providing an
68 effective date.

69
70 Be It Enacted by the Legislature of the State of Florida:

71
72 Section 1. Section 125.903, Florida Statutes, is created
73 to read:

74 125.903 Services for seniors and adults with developmental
75 disabilities; independent special district; council; powers,
76 duties, and functions.--

77 (1) Each county may by ordinance create an independent
78 special district, as defined in ss. 189.403(3) and
79 200.001(8)(e), to provide funding for services for seniors and

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adults with developmental disabilities throughout the county in
accordance with this section. Such ordinance shall create a
charter for the district which addresses and contains the
minimum requirements required by s. 189.404(3). The boundaries
of such district must be coterminous with the boundaries of the
county. The county governing body shall obtain approval, by a
majority vote of those electors voting on the question, to
annually levy ad valorem taxes that may not exceed the maximum
millage rate authorized by this section. Such approval shall be
obtained by submitting the question to a referendum of the
qualified electors in the county. The referendum shall be held
in conjunction with the next regularly scheduled general
election, in accordance with ss. 100.342 and 100.351. A district
created under this subsection shall levy and fix millage as
provided in s. 200.065. Once the millage is approved by the
electorate, the district is not required to seek approval of the
electorate in future years to levy the previously approved
millage. For purposes of this section, the term "senior" means a
person who is at least 60 years of age and the term "adult with
developmental disabilities" means an adult with developmental
disabilities who is at least 22 years of age.

(a) The governing board of the district shall be a council
on services for seniors and adults with developmental
disabilities. The council shall consist of 11 members, including
the executive director of the area agency on aging or his or her
designee who is a director of senior programs; the county
director of human services or his or her designee who is a
director of elderly services; one person who is a director of

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108 programs for adults with developmental disabilities or his or
109 her designee; one member of the county governing board; one
110 nonvoting member of the legislative delegation for the county
111 appointed by the delegation chair; and one county representative
112 of the Florida League of Cities. The executive director of the
113 area agency on aging and his or her designee, the director of
114 programs for adults with developmental disabilities and his or
115 her designee, and the county director of human services and his
116 or her designee are permanent positions. The members from the
117 county governing board, the legislative delegation, and the
118 Florida League of Cities shall be appointed to 2-year terms. The
119 other five members must be appointed by the Governor and shall
120 represent, to the greatest extent possible, the cultural
121 diversity of the county's population. At least one of the
122 gubernatorial designees must be an individual who is a caretaker
123 or family member of a person who is 22 years of age or older and
124 has a developmental disability and at least one must be 60 years
125 of age or older. Recommendations for these memberships shall be
126 provided by the county governing board. Three names shall be
127 submitted for each vacancy, determined by category. The
128 gubernatorial appointees shall be appointed to 4-year terms and
129 may be reappointed for one additional term of office. The
130 Governor shall make a selection within a 45-day period or
131 request a new list of candidates. All members appointed by the
132 Governor must have been residents of the county for the previous
133 24-month period. The length of the terms of the initial
134 appointees shall be adjusted to stagger the terms. The Governor
135 may remove a member for cause or upon the written petition of

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the county governing body. If any of the members of the council required to be appointed by the Governor resign, die, or are removed from office, the vacancy shall be filled by appointment by the Governor, using the same method as the original appointment, and such appointment to fill a vacancy shall be for the unexpired term of the member who resigns, dies, or is removed from office.

(b) This subsection does not prohibit a county from exercising the power authorized by general or special law to provide services for seniors and adults with developmental disabilities or to create a special district to provide those services.

(2)(a) Each council may:

1. Provide and maintain in the county the preventive, developmental, treatment, and rehabilitative services for seniors and adults with developmental disabilities which the council determines are needed for the general welfare of seniors and adults with developmental disabilities in the county.

2. Provide any other services which the council determines are needed for the general welfare of seniors and adults with developmental disabilities in the county.

3. Allocate and provide funds for other agencies in the county which are operated for the benefit of seniors and adults with developmental disabilities.

4. Collect information and statistical data and conduct research and assessments that will be helpful to the council and the county in deciding the needs of seniors and adults with developmental disabilities in the county.

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164 5. Consult and coordinate with other agencies dedicated to
165 the welfare of seniors and adults with developmental
166 disabilities to the end that the overlapping of services will be
167 prevented.

168 6. Lease or buy real estate, equipment, and personal
169 property and construct buildings as needed to execute the
170 foregoing powers and functions, except that such purchases may
171 not be made or building done unless paid for with cash on hand
172 or secured by funds deposited in financial institutions. This
173 subparagraph does not authorize a district to issue bonds of any
174 nature, and a district does not have the power to require the
175 imposition of any bond by the governing body of the county.

176 7. Employ, pay, and provide benefits for any part-time or
177 full-time personnel needed to execute the foregoing powers and
178 functions.

179 (b) Each council shall:

180 1. Immediately after the members are appointed, elect a
181 chair and a vice chair from among its members and elect other
182 officers as deemed necessary by the council.

183 2. Immediately after the members are appointed and
184 officers are elected, identify and assess the needs of seniors
185 and adults with developmental disabilities in the county served
186 by the council and submit to the governing body of each county a
187 written description of:

188 a. The activities, services, and opportunities that will
189 be provided to seniors and adults with developmental
190 disabilities.

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191 b. The anticipated schedule for providing those
192 activities, services, and opportunities.

193 c. The manner in which seniors and adults with
194 developmental disabilities will be served, including a
195 description of arrangements and agreements that will be made
196 with community organizations, state and local educational
197 agencies, federal agencies, public assistance agencies, the
198 court system, guardianship groups, and other applicable public
199 and private agencies and organizations.

200 d. The special outreach efforts that will be undertaken to
201 provide services to seniors and adults with developmental
202 disabilities who are at-risk, abused, or neglected and ailing
203 seniors or profoundly afflicted adults with developmental
204 disabilities.

205 e. The manner in which the council will seek and provide
206 funding for unmet needs.

207 f. The strategy that will be used for interagency
208 coordination to maximize existing human and fiscal resources.

209 3. Provide training and orientation to all new members
210 sufficient to allow them to perform their duties.

211 4. Make and adopt bylaws and rules for the council's
212 guidance, operation, governance, and maintenance, if such rules
213 are not inconsistent with federal or state laws or county
214 ordinances.

215 5. Provide an annual written report, to be presented no
216 later than January 1, to the governing body of the county. The
217 annual report must contain, but need not be limited to:

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218 a. Information on the effectiveness of activities,
219 services, and programs offered by the council, including cost-
220 effectiveness.

221 b. A detailed anticipated budget for continuation of
222 activities, services, and programs offered by the council, and a
223 list of all sources of requested funding, both public and
224 private.

225 c. Procedures used for early identification of at-risk
226 seniors and adults with developmental disabilities who need
227 additional or continued services and methods for ensuring that
228 the additional or continued services are received.

229 d. A description of the degree to which the council's
230 objectives and activities are consistent with the goals of this
231 section.

232 e. Detailed information on the various programs, services,
233 and activities available to seniors and adults with
234 developmental disabilities and the degree to which the programs,
235 services, and activities have been successfully used by seniors
236 and adults with developmental disabilities.

237 f. Information on programs, services, and activities that
238 should be eliminated; programs, services, and activities that
239 should be continued; and programs, services, and activities that
240 should be added to the basic format of the council.

241 (c) The council shall maintain minutes of each meeting,
242 including a record of all votes cast, and shall make such
243 minutes available to any interested person.

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244 (d) Members of the council shall serve without
245 compensation, but are entitled to receive reimbursement for per
246 diem and travel expenses consistent with s. 112.061.

247 (3)(a) The district shall maintain the same fiscal year as
248 that of the county.

249 (b) On or before July 1 of each year, the council shall
250 prepare a tentative annual written budget of the district's
251 expected income and expenditures, including a contingency fund.
252 The council shall, in addition, compute a proposed millage rate
253 within the voter-approved cap necessary to fund the tentative
254 budget and, prior to adopting a final budget, comply with s.
255 200.065, relating to the method of fixing millage, and fix the
256 final millage rate by resolution of the council. The adopted
257 budget and final millage rate must be certified and delivered to
258 the governing body of the county as soon as possible following
259 the council's adoption of the final budget and millage rate
260 under chapter 200. Included in each certified budget shall be
261 the millage rate, adopted by resolution of the council,
262 necessary to be applied to raise the funds budgeted for district
263 operations and expenditures. District millage may not exceed 0.5
264 mills of assessed valuation of all properties within the county
265 which are subject to ad valorem county taxes.

266 (c) After the budget of the district is certified and
267 delivered to the governing body of the county, the budget may
268 not be changed or modified by the governing body of the county
269 or any other authority.

270 (d) All taxes collected under this section, as soon after
271 collection as is reasonably practicable, shall be paid directly

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272 to the council by the tax collector of the county or the clerk
273 of the circuit court, if the clerk collects delinquent taxes.

274 (e)1. All moneys received by the council shall be
275 deposited in qualified public depositories, as defined in s.
276 280.02, with separate and distinguishable accounts established
277 specifically for the council and may be withdrawn only by checks
278 signed by the chair of the council and countersigned by one
279 other member of the council or by a chief executive officer
280 authorized by the council.

281 2. Upon entering the duties of office, the chair and the
282 other member of the council or chief executive officer who signs
283 its checks shall each give a surety bond in the sum of at least
284 \$1,000 for each \$1 million or portion thereof of the council's
285 annual budget, which bond shall be conditioned upon the faithful
286 discharge of the duties of his or her office. The premium on
287 such bond may be paid by the district as part of the expense of
288 the council. Other members of the council may not be required to
289 give bond or other security.

290 3. Funds of the district may not be expended except by
291 check, except expenditures from a petty cash account, which
292 account may not at any time exceed \$100. All expenditures from
293 petty cash must be recorded on the books and records of the
294 council. Funds of the council, except expenditures from petty
295 cash, may not be expended without prior approval of the council,
296 in addition to the budgeting thereof.

297 (f) Within 10 days, exclusive of weekends and legal
298 holidays, after the expiration of each quarter-annual period,

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the council shall prepare and file with the governing body of the county a financial report that includes:

1. The total expenditures of the council for the quarter-annual period.

2. The total receipts of the council during the quarter-annual period.

3. A statement of the funds the council has on hand, has invested, or has deposited with qualified public depositories at the end of the quarter-annual period.

4. The total administrative costs of the council for the quarter-annual period.

(4) Any district created under this section may be dissolved by a special act of the Legislature, or the county governing body may by ordinance dissolve the district subject to the approval of the electorate. If any district is dissolved under this subsection, each county shall first obligate itself to assume the debts, liabilities, contracts, and outstanding obligations of the district within the total millage available to the county governing body for all county and municipal purposes as provided for under section 9, Article VII of the State Constitution. Any district may also be dissolved under s. 189.4042.

(5) After or during the first year of operation of the council, the governing body of the county, at its option, may fund in whole or in part the budget of the council from its own funds.

(6) Any district created under this section shall comply with all other statutory requirements of general application

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327 which relate to the filing of any financial reports or
328 compliance reports required under part III of chapter 218, or
329 any other report or documentation required by law, including the
330 requirements of ss. 189.415, 189.417, and 189.418.

331 (7)(a) Each county may by ordinance create a dependent
332 special district within the boundaries of the county for the
333 purpose of providing preventive, developmental, treatment, and
334 rehabilitative services for seniors and adults with
335 developmental disabilities. The district may seek grants from
336 state, federal, and local agencies and accept donations from
337 public and private sources if the district complies with
338 paragraphs (1)(a) and (2)(b) and has a budget that requires
339 approval through an affirmative vote of the governing body of
340 the county or that may be vetoed by the governing body of the
341 county.

342 (b) If the provisions of a county charter relating to the
343 membership of the governing board of a dependent special
344 district conflict with paragraph (1)(a), a county may by
345 ordinance create a dependent special district within the
346 boundaries of the county for the purpose of providing
347 preventive, developmental, treatment, and rehabilitative
348 services for seniors and adults with developmental disabilities,
349 and the district may seek grants from state, federal, and local
350 agencies and accept donations from public and private sources if
351 the district complies with paragraph (2)(b) and has a budget
352 that requires approval through an affirmative vote of the
353 governing body of the county or that may be vetoed by the
354 governing body of the county.

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355 (8) It is the intent of the Legislature that the funds
356 collected under this section be used to support improvements in
357 services for seniors and adults with developmental disabilities
358 and that such funds not be used as a substitute for existing
359 resources or for resources that would otherwise be available for
360 services for seniors and adults with developmental disabilities.

361 (9) Two or more councils may enter into a cooperative
362 agreement to share administrative costs, including, but not
363 limited to, staff and office space, if a more efficient or
364 effective operation will result. The cooperative agreement must
365 include provisions on apportioning costs between the councils,
366 keeping separate and distinct financial records for each
367 council, and resolving any conflicts that might arise under the
368 cooperative agreement.

369 (10) Two or more councils may enter into a cooperative
370 agreement to seek grants, accept donations, or jointly fund
371 programs serving multicounty areas. The cooperative agreement
372 must include provisions for the adequate accounting of separate
373 and joint funds.

374 (11) Councils or districts shall not require any public or
375 private service provider to provide additional matching funds as
376 a condition of the council or district providing services or
377 programs to seniors and adults with developmental disabilities.

378 Section 2. Part V of chapter 125, Florida Statutes,
379 consisting of sections 125.901, 125.902, and 125.903, Florida
380 Statutes, and entitled "Children's Services," is renamed as
381 "Human Services."

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Section 3. Paragraph (b) of subsection (4) of section 189.404, Florida Statutes, is amended to read:

189.404 Legislative intent for the creation of independent special districts; special act prohibitions; model elements and other requirements; general-purpose local government/Governor and Cabinet creation authorizations.--

(4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION AUTHORIZATIONS.--Except as otherwise authorized by general law, only the Legislature may create independent special districts.

(b) A county may create an independent special district which shall be adopted by a charter in accordance with s. 125.901, s. 125.903, or s. 154.331 or chapter 155, or which shall be established by ordinance in accordance with s. 190.005, or as otherwise authorized by general law.

Section 4. This act shall take effect upon becoming a law.